

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday, April 10, 2003  
6:00 p.m. - Council Chambers, City Hall

## AGENDA


- I Roll Call
- II Citizen Questions, Concerns and Consideration
- III Approval of Minutes
  - Planning Commission Meeting (4/3/03)
- IV New Business
  - None
- V Unfinished Business
  - 1. Sand Products Corporation - Special Use Permit (PUD)
  - 2. Tim Simonis, 1005 Cypress Street - Open Air Use
- VI Other Communications
  - 1.
- VII Adjournment

### Speaking at Meetings:

Unless waived by the Commission for a specific meeting, any public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be appointed who may request that the Chairman approve more than the normal five (5) minutes. If necessary, a maximum of five (5) minutes will be allowed for the group to caucus to choose their spokesperson and develop their comments.

# MEMORANDUM

TO: Planning Commission Members

FROM: Denise Blakeslee 

DATE: March 31, 2003

RE: Request - Tim Simonis, 1005 Cypress Street (Manistee Majic Car Wash)

Tim Simonis owns the Car wash on Cypress Street. Mr. Simonis stopped in on Friday and asked if there were any restrictions for a fence that he intended to construct for an additional business he wanted to operate at 1005 Cypress Street. Mr. Simonis would like to sell yard decorations in a fenced in area adjacent to his car wash.

Jon Rose explained to Mr. Simonis that the business could only be operated if approval was received from the Planning Commission. Section 5004.D.5.d Regulations and Standards in the C-1 Commercial Zoning District reads:

*For all commercial establishments, servicing or processing shall be conducted within completely enclosed buildings, except for off-road parking, loading, unloading, and open air uses which are specifically approved by the Commission.*

The deadline for Agenda items has been established 10 days prior to the meeting date. This allows sufficient time for staff review before the packets are mailed to the members. Packets are mailed the Friday prior to the meeting allowing members time for review before the meeting. When Mr. Simonis was in the office on Friday we explained to him that he had missed the deadline for the April Meeting and would have to wait until the May meeting.

With the seasonal nature of the business Mr. Simonis was concerned that by waiting until May he would miss a large portion of the season. We explained his only option was to request that the Planning Commission consider amending the agenda to add his request.

Mr. Simonis dropped off the request this morning. Now it is up to the members of the Planning Commission to 1) decide if the agenda should be amended to hear the request, 2) if the agenda is amended the Planning Commission then needs to determine if the request should be approved or denied.

Enclosed is a copy of the request and a staff memo for the request.

Dear Planning Board Member,

We would first like to apologize for the lateness of this request. We were Not aware of the need for approval until we spoke to the Bldg. Inspector. There Is a need for urgency because our business will be seasonal and we planned to Open in early April.

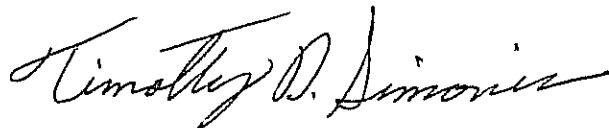
What we are asking permission for is to attractively display and sell cement Yard decorations such as fountains, birdbaths, statues and figurines for yard Enhancement.

We plan to display these items in the area adjacent to Manistee Magic Car Wash, as shown on the attached survey. The display needs to be outside for The visibility and because to construct a building large enough to display the Selection and quantity of these items would be cost prohibitive.

The display area will be enclosed with a decorative 4ft. black chain link Fence for security and safety, and the ground will be covered with decorative Red mulch.

Your speedy attention to this request will be greatly appreciated.

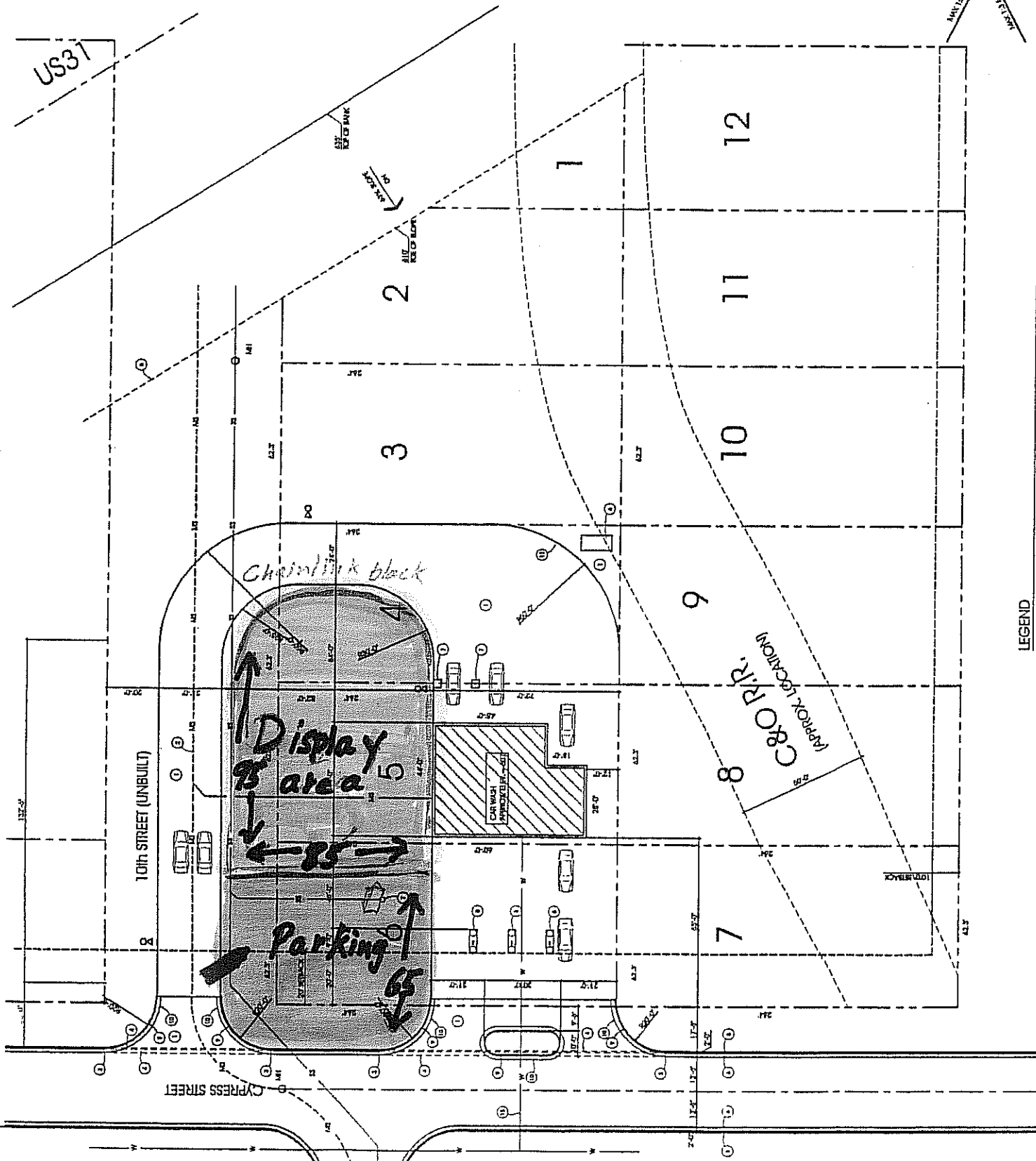
THANK YOU



**Manistee Majic**  
1005 Cypress St.  
Manistee, MI 49660

[illegible]

SALE NORTH LANE AND NORTH LOTS 1, 2, 3, 4 AND 7 AND SOUTHERLY OF  
AND EASE OF WAY AND NORTH OF EACH SIDE OF WAY, BLOCK 6 BETWEEN 183  
AND CHERRY STREET, ALSO PART OF LOT 4 AND LOT 7, BLOCK 3 1/2 L. L. SAWYER  
DONOR



**TYPICAL ROADWAY SECTION AT ENTRANCE**

THESE RESULTS WERE OBTAINED USING THE FOLLOWING


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**SITE PLAN**

# MEMO

TO: Planning Commission Members

FROM: Jon R. Rose   
Community Development Director

DATE: March 31, 2003

RE: Request from Tim Simonis - Yard Decorations

I have reviewed the request from Tim Simonis for the sale of Yard Decorations adjacent to his car wash on Cypress Street. Several concerns/questions have arisen.

The language in the C-1 Zoning District requires approval by the Planning Commission for open air uses. This request is for the display and sale of Yard Decorations i.e. fountains, birdbaths, figurines etc. The proposed business would not be located within a structure. It would be enclosed by a 4 foot black chain link fence. The area would be covered with decorative red mulch for the open air use. This property is one of the few properties in the C-1 Zoning District that does not front on U.S.31.

The enclosed plan shows 85' x 65' feet of parking in the front yard. Review of the proposed parking area shows three areas of concern:

1. Parking goes all the way to the curb across City right-of-way.
2. Where is the entrance/exit and how many spaces are provided?
3. Section 5004.D.4.d Regulations and Standards in the C-1 Commercial Zoning District reads;  
*All service drives, driveways, parking areas, sidewalks, shall be paved with concrete, bituminous asphalt or other similar material.*

When Mr. Simonis was in on Friday he indicated that he was not intending to asphalt the parking area this year. He wanted to see if the business would be profitable. In the event that the business was not profitable and Mr. Simonis decided to discontinue the sale of Yard Decorations would the Planning Commission require the area to be restored? What if he decided to expand the business and sell other Yard/Lawn products? Would the Planning Commission require him to come back to the Planning Commission in the event that any other types of items were being sold? What type of impact will this have on the neighborhood if any?

There are a few places that have "grandfathered" open air uses. The ones we were able to identify are; the Produce Patch (C-2- sells flowers outside of the building) and Grand Rental Station (C-1 displays equipment for rent outside their building). Other places such as Wahr Hardware (C-4) and North Channel Outlet (C-4) place items outside their establishment during business hours then put them back inside when they close for the day. General Policy #47 addresses Sidewalk Merchandise on Public Sidewalks (River Street) .

In July 2001 North Shore Supply/Jerome Wrzesinski, North Shore Supply, 70 Arthur Street applied for and received a Special Use Permit to use their Parking lot as a Boat /RV Storage Area. The reason for the Special Use Permit was that Section 50004.D.4.d of the Ordinance conflicts with the Special Use Standards for Mini/Self Storage and Public Warehouse Special Use Standards which does not allow outside storage. This was the last request before the Planning Commission for "open air uses".

# MEMORANDUM

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TO: Planning Commission Members

FROM: Denise Blakeslee *DB*  
Secretary, Community Development

DATE: April 4, 2003

RE: SPECIAL MEETING

A Special Meeting of the Planning Commission has been scheduled for Thursday, April 10, 2003. This meeting will begin at 6:00 p.m. the meeting will be called to order by the Chair and then the members will take a Dial-A-Ride bus for a site review of Man Made Lake and 1005 Cypress Street.

Decisions cannot be made during the site inspection. Please write down any questions or concerns that you may have to discuss when the meeting is reconvened at City Hall.

A copy of the agenda is enclosed - you already have copies of the requests. If you are unable to attend please call me at 723-2558. Thank you for your work and dedication.

:djb